

S P E E C H

OF

HON. WILLIAM E. FINCK,
OF OHIO,

DELIVERED

IN THE HOUSE OF REPRESENTATIVES OF THE UNITED
STATES, APRIL 11, 1864.

WASHINGTON, D. C.:

PRINTED AT THE CONSTITUTIONAL UNION OFFICE.

1864.

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S P E E C H .

The House having under consideration the resolution to expel Mr. Long, of Ohio—

Mr. FINCK said :

Mr. SPEAKER: It is not my purpose to detain the House very long. But there are some questions to which I wish to direct the attention of the House and of the country. I do not regard this resolution as involving the question of the approbation or disapprobation, by the House, of the positions assumed and discussed by my colleague, [Mr. LONG.] It is altogether a different and distinct question from that. I do not myself, Mr. Speaker, concur, as I understand my colleague, in all the views and positions assumed and expressed by him on last Friday. I am to-day, as I have been from the beginning, opposed to secession. I do not believe that any such right exists under our form of Government. I am to-day, as I have been from the commencement of this unfortunate difficulty, opposed to an acknowledgment of the independence of the so-called Confederate States. I hold to-day, as I have held from the beginning—in direct conflict with the distinguished gentleman from Pennsylvania, [Mr. STEVENS,]—that these Confederate States are not outside the Union, and do not constitute a distinct and foreign nation.

My colleague from the second district, in a manly, open, frank, and candid manner, stated distinctly to the House and to the country, that he but expressed his own views and opinions when he spoke to this House. I believe, sir, I know, that my own constituents are opposed to secession, or to a recognition of the so-called Confederate States. I believe that the Democracy of the great Northwest, and the great Democratic party of the country, are not to-day, and have not been from the beginning, in favor of the recognition of the Confederate States. And although I believe that this unfortunate war could have been avoided by fair, just, and honorable compromises between the two sections of the country; that the only obstacle which prevented that compromise came from the Republican members of Congress; and that to them is to be charged the defeat of the compromises offered by the lamented statesman from Kentucky, (Mr. Crittenden,) yet, sir, great armies are in the field; they now confront each other; we are on the eve of terrible battles, and I trust that whenever these battles do take place, the armies of the North will be successful, and that the old flag will be carried in

victory wherever it goes. But, sir, candor and frankness require me to state—and I declare it before Heaven and the country, as the earnest conviction of my soul—that force alone cannot preserve the Union or restore these States; that to the sword must be added conciliation, wise and prudent statesmanship, alas! such statesmanship as has not yet been displayed by this Administration. The people of this country require the inauguration of a system of conciliation by which both peace and the Union may be restored.

Sir, I have stated that the question under debate is not the question as I understood it to have been stated by my colleague from the nineteenth district the other day, [Mr. GARFIELD,] that those who vote against the resolution for expulsion vote to indorse the views and sentiments expressed by my colleague, [Mr. LONG.] That is too narrow and restricted a position to be assumed on this resolution. This view would sink the question far below its true dignity and significance. It involves considerations very different from that. It involves a principle, Mr. Speaker, which lies at the very base of our institutions. It is a question whether the people's representatives in this Hall have the right to discuss, untrammelled, all the public measures that are the subject of legitimate discussion. That is the principle, nothing less, nothing more.

Are we to be told, Mr. Speaker, that the grave questions of peace and war cannot be discussed here? What questions, I ask, are of greater importance to the people than the questions of peace and war? There is nothing, sir, which so deeply affects a Government as these questions. Especially in this House where we are called upon day after day to vote upon measures relating to this war, and to the policy of the Administration, is it most important that the broadest liberty and freedom of debate should be awarded to every member.

Mr. Speaker, the day when this great right of the people shall be stricken down in this Hall will be one of the saddest days in American history. Why, sir, there is something most strange in the conduct of gentlemen upon the other side of the House in relation to this question. On last Friday, when my colleague [Mr. LONG] was proceeding with his speech, the hour expired, and by unanimous consent he was allowed to go on and

conclude his remarks; and who, I ask you, made the motion to extend the time? Why, the distinguished gentleman from the Galena district of Illinois, [Mr. WASHBURNE.] That gentleman sprang to his feet to ask that the time of my colleague might be extended.

And, sir, the country ought to know another fact which occurred within this Hall; while these outbursts of patriotism have been uttered and sent abroad from the other side of the House, while they have been boiling over with patriotic indignation at what they are pleased to designate as the treasonable sentiments uttered by my colleague; I find that they have been most liberal in their subscription for his speech. One of my colleagues on that side [Mr. ASHLEY] has subscribed for five hundred copies. The distinguished gentleman on the Military Committee [Mr. GARFIELD] subscribed for one hundred copies. Is not that most strange and inconsistent?

Well, Mr. Speaker, I have an idea of this kind—a little secret—which I think I will speak to the House and to the country. I rather suspect that, mixed up with all this patriotic Fourth of July declamation on the other side of the House, there is an undercurrent of partisan feeling and purpose. Do not you think so, sir? Why, sir, when my colleague from the nineteenth district [Mr. GARFIELD] arose and called for a white flag to be brought down the aisle and placed between himself and my colleague from the second district, I did not know but that some grand tragedy was about to be enacted. I thought so when he quoted Milton's *Paradise Lost*; but when I learned he had subscribed so liberally for that speech, my apprehensions of a tragedy vanished.

If that speech gives aid and comfort to the enemy, why do gentlemen on the other side of the House give so much aid and comfort to the speech? I want the country to know and understand these facts.

Well, sir, I want the country to know another thing. During the last Congress, on the 27th day of January, 1863, while armies were confronting each other, maintaining about the same relative position as now, our brothers, our sons, our friends were in the Army of the North, and I believe the opposing army was then nearer the capitol than it is to-day, what was the scene which was then witnessed in this House? A gentleman upon the other side of the House rose in his place and proposed to stop the war at once and to recognize the independence of the Confederate States. Was there any indignation upon the other side of the House on that occasion? Yet upon that day, as I have said, a member of this body on that side proposed deliberately that this war should terminate at once, and that the President should be authorized at once to open negotiations with the Confed-

erates for the purpose of their recognition. Where is the evidence of the outburst of patriotic indignation on that occasion? It is perhaps a calamity that the distinguished gentleman from Maryland [Mr. DAVIS] was not here then to have poured out his denunciations upon the gentleman who made that proposition. I wonder, I am surprised, sir, why some patriotic gentleman on the other side did not arise in his place and ask for the immediate expulsion of the gentleman from Kansas, [Mr. CONWAY.] These speeches—partisan speeches, unworthy of a deliberative assembly—why were they not made then? Now, what did Mr. Conway say and propose in that speech on the 27th of January, 1863. I beg the attention of the House while I quote from his speech. He says:

"Nevertheless, I cannot refrain from expressing my individual opinion that the true policy of the North is to terminate this war at once. The longer its continuance the worse our situation becomes. Let the two Houses of Congress adopt the following resolutions:

"Resolved by the Senate and House of Representatives, &c., That the Executive be, and he is hereby, requested to issue a general order to all commanders of forces in the several military departments of the United States to discontinue offensive operations against the enemy, and to act for the future entirely on the defensive.

"Resolved, That the Executive be, and he is hereby, further requested to enter into negotiations with the authorities of the confederate States with reference to a cessation of hostilities based on the following propositions: 1. Recognition of the independence of the confederate States. 2. A uniform system of duties upon imports. 3. Free trade between the two States. 4. Free navigation of the Mississippi river. 5. Mutual adoption of the Monroe doctrine."

There, sir, is a direct proposition for the recognition of the independence of the confederate States. Where, let me ask, were the gentlemen then with their resolutions of expulsion? Is it not most strange, Mr. Speaker, that a year ago, while opposing armies were in the field, while the rebel forces were nearer Washington than they are to-day, a gentleman could rise on that side of the House and make a proposition stronger than that of my colleague from the second district, [Mr. LONG] and there was no outpouring of virtuous indignation against him? Where is your record of expulsion? Where is your record of censure? But Mr. Conway, abolitionist as he was, had the manliness to say in that speech, that the Democratic party was opposed to the recognition of the independence of the confederate States. Let me quote further from that speech. He says:

"The Democrats will not, of course, listen to separation for an instant. Such a suggestion, in their eyes now, is treason, a proposition to dissolve the Union, for which one ought to be hanged.

"They expect the question whether the Union shall be restored by force or compromise to be submitted to the people in the next election, and upon that to carry the country. Their plan is to oppose

the Administration simply on its anti-slavery policy. They put in issue the confiscation act, the Missouri emancipation act, and the President's proclamation of emancipation. These measures they pronounce unconstitutional, deny their validity, and everything done or to be done in pursuance of them. In addition to this they attack the Administration on account of its suspension of the writ of *habeas corpus*, false imprisonment, corruption, imbecility, &c., and a thousand other incidents. But on the war and the integrity of the Union they are like adamant itself. They claim to favor the war for the sake of the Union, but to be for compromise rather than war. They say very truthfully that the Republicans have tried force for two years, and exhausted the country, and upon this claim the adoption of their method as all that is left to be done."

I tell you, sir, the country, after the exhibition which we have had in this House to-day, will demand an answer to the question, why did you not censure or expel Mr. Conway? The gentleman from Indiana, [Mr. COLFAX,] who presides over this House with so much ability, and who moved the pending resolution of expulsion, was a member of this body when the resolutions which I have read were proposed. Why did he not move a vote of expulsion or censure on that occasion? Does it so happen that the present indignation has been aroused because my colleague from the second district does not belong to the party represented on the other side of the House? I say to you, Mr. Speaker, that the people of the United States are in favor of "fair play." They will understand this matter. If an abolitionist can make a proposition of recognition, and no rebuke is visited upon him by the other side of the House, I ask why a member not claiming to belong to that side, may not on his own individual responsibility make the same proposition? I declare it as my deliberate opinion and conviction that no man who was in this House one year ago and heard the speech and propositions of Mr. Conway, and did not vote to censure or expel him, can now vote for the pending resolution; without sooner or later being visited with the withering indignation, of a fair and candid public opinion.

We may as well understand at once whether this is really the House of Representatives of the American Congress. I wish it distinctly understood, so far as I am concerned, humble and inexperienced as I am, that we claim to be your equals on this floor, nothing more and nothing less; and if we have the manhood about us to represent our constituents as we should, we will never yield up that privilege or surrender any of our rights. Is it, sir, because you happen to have a majority on this floor that we are to be denounced? Is it true, as we are led to understand from the remarks of gentlemen on the other side, that the interests of the country are alone confided to your care and management? Do you not know, and it would be well for gentlemen to remember, that we have as much

interest in the honor, the glory, and the prosperity of this country as you can possibly have? Do you not know that we represent a combined constituency, whose political opinions concur with ours, of over one million and a half of voters? And, sir, there is no other million and a half of men who have more interest, moral, social, political, or material, than they have in the preservation of this Union and the maintenance of our system of free government. And we would be base and recreant Representatives of those men if we permitted you to deprive them of representation upon this floor, or in any manner impair their right to be heard in this House.

Mr. Speaker, the Democratic party is not to-day, and has never been, in favor of a dissolution of the Union. Mr. Conway had the frankness to do what gentlemen on the other side have not done, to declare that the Democratic party was opposed to a dissolution. But he need not have announced that fact. The Democratic party is as old as the Government itself, and it is a party which has at all times stood by the Constitution and the Union of the States. But, Mr. Speaker, that I may exhibit to you the freedom of debate which is allowed in one of the highest deliberative assemblies on the face of the earth, I ask the Clerk to read what I send to the desk.

The Clerk read as follows:

"If it becomes evident that the friends of slavery are strong enough in this country to resist all reasonable efforts to subdue them, I shall act upon it. I am not prepared to ruin the country in a vain effort to do what cannot be done. Shall this war go on forever? Is this common cry of 'the last man and the last dollar' poetry, patriotism, or braggadocio? Should the war go on until the public debt equals the entire wealth of the country? Should the whole capital of the people be forced into Federal securities, and these securities made the basis of an irredeemable paper circulation? Should it go on until misery broods over the whole land; until the civil authorities shall become impotent, and all rights of person and property stand at the mercy of military power? Should it go on until the members of the Senate and House of Representatives shall owe their places here to the bayonet instead of the ballot-box; until they become as contemptible as the Rump Parliament that so long enacted the bidding of military usurpation to the overthrow of the English constitution, to be finally expelled from place by the power they had so basely served? Should it go on until corruption and fraud, the necessary concomitants of civil war, shall have crept into high places and put on the garb of patriotism; until officers become so numerous that official patronage may quarter one-half of the people upon the other half, and give them the means of perpetuating their own power? Should it continue until exhausted, the nation would welcome the coming of a Cromwell or a Bonaparte, until provost marshals with military police shall be stationed at every village in the Northern States, displacing the civil authority, issuing orders for governing people heretofore supposed to be able to govern themselves, teaching how God shall be worshiped, prescribing new and

strange offenses, and punishing them by courts-martial? Should it continue until financial ruin brings misery, and misery rushes into anarchy, when no hope but despotism is left?

"Mr. President, a few years more of civil war, and the outlines of this picture will be seen. It cannot be otherwise. It is the necessary result of a long civil strife. Peace parties will spring up; the war party will denounce them as traitors; the publication of newspapers will be suppressed, and freedom of speech denied; mobs will retaliate; the blunders as well as the corruptions of the war party will tend to strengthen the convictions of the peace party; the period being one of violence each party appeals to violence, the one to hold, the other to obtain power; the ballot-box becomes a mockery, a cheat; instead of proclaiming the voice of a free people it speaks the subdued language of base subservency or the bold tones of military despotism.

Such is history. We are not exempt from the passions and frailties that wove this web of history for others. Party pride, blinded vanity, may think so. These have driven many nations from the enjoyment of liberty to the profoundest depths of tyranny. To prevent this state of things we are all interested; one party not more than another, for when it comes all parties will suffer alike. When the Roman legions had subdued Carthage, the enemies of Hannibal, who in party blindness had compassed his defeat, shared the same fate with his friends. Party revenge may be satisfied when political enemies come to grief, but this is no compensation for a ruined country. When anarchy comes we are overwhelmed alike. The Girondist and the Jacobin followed each other in rapid succession to the guillotine. The Royalist and the Republican, the Presbyterian and the Leveler, suffered alike when party divisions sacrificed the blessings of the revolution, and established a despotism for England more loathsome than Charles had ever proposed.

"In this moment of danger let all parties abandon the prejudices of the past; and resolve to follow the dictates of right. Whatever establishes justice tends to restore the Union. Whatever perpetuates wrong will continue to disturb our peace. Let us unite to restore the Union, and if that be impracticable, let us abandon the war."

Mr. FINCK. Now I ask how much more has my colleague said than that? I ask this House the question who do they suppose delivered that speech. Was it a "copperhead," as we are politely termed by my colleague, the chairman of the Military Committee, [Mr. SCHENCK?] It was a Senator in the Senate of the United States, advocating on last Thursday the passage of a joint resolution to submit to the States a proposition to amend the Constitution of the United States, so as to authorize Congress to prohibit slavery in the States, and it was no less distinguished a Senator than the Senator from the State of Missouri, who is not acting with the Democracy, [Mr. HENDERSON.] Was he censured? I ask whether he did not discuss more fully the evil consequences of the continuance of the war than was discussed by my colleague from the second district?

The distinguished Senator discussed the question ably; and can it be possible that if a gentleman upon this floor believes, in his own judgment, sin-

cerely and honestly, that recognition is the best course to be pursued by this Government, he may not so state it to the House and to the country? And while I am opposed to recognition, as I have already stated, yet I claim here as a right that belongs to a Representative of the people, that my colleague had the right as a member on this floor to discuss that question, and to discuss it without fear of censure or expulsion from the House. If we do not agree with him we have the right to meet his argument by fair and manly argument also. We cannot all agree in our opinions in this House. But is that any reason why any gentleman should be censured or expelled? Why, sir, we do not concur with you on that side of the House on many questions of grave importance. If we are wrong in our views, I beg you to use the strong weapons of argument and truth to convince us of our error; and if you are wrong in your views—as I believe you are upon many questions of public policy—we will endeavor to enlighten you, although I fear our efforts will be unavailing.

This is the Hall where the people's representatives assemble. Let them act as become the representatives of freemen. Let us discuss every public measure in that manly spirit which should characterize the representatives of a free people. Sir, the gentleman from Maryland [Mr. DAVIS] has appealed to public opinion. We also propose to appeal to public opinion. We do not believe, and we are earnest in that belief, that the policy of this Administration can restore the Union. We believe that it is destructive of the best interests of this country. We are determined to resist, by every legitimate means, within our power, all efforts, let them come from what quarter they may, to break up this Union, or pull down the pillars of the Constitution.

Sir, I repeat it, we expect to appeal to public opinion, and at the ballot-box to see to it, that this Administration shall be turned out of power; and men placed in the power of the Government who will administer it in obedience to the Constitution. That is to be our mission in appealing to public opinion. Sir, have you ever considered the power and the force of public opinion? Have you ever read in history how it has branded with disgrace and infamy the corrupt and unfaithful public servant? Have you ever read in history how it wreathes the brow of the faithful servant with the plaudits and approbation of a grateful people after he may have been stricken down by the hands of power? Sir, I am willing to trust to public opinion. Sooner or later it will settle all these questions right.

Sir, if I mistake not the signs of the times, this public opinion, at the next November election, will vindicate one of the truest, best and noblest men of this country, who has been most ungratefully

treated by this Administration. Sir, we intend to appeal to public opinion. Have you ever witnessed its power and force? There is no man so high as to be above it, and he must be low indeed who is beneath it. It penetrates through doors of oak and bars of iron into the secret chambers of kings and princes, where its voice, if not obeyed, is at least feared and respected. It whispers the words of warning and admonition into the ears of the ruler, who in the silent watches of the night tosses with sleepless anxiety on his couch, to ponder upon its meaning. It is to that searching tribunal of public opinion that we intend to present the acts of the Administration and of this Congress. I warn you to beware of the record you make here. Let it be such a one as shall be sanctioned by the Constitution, and you need not fear the ordeal of public opinion.

But on this great question of the rights and duties of the Representative, I ask to read from the same great speech which was quoted from to-day by my friend from Indiana, [Mr. Voorhees.]

In a speech which Mr. Webster delivered in the Senate of the United States in 1834, he thus describes the duty of a Representative:

"But, sir, if the people have a right to discuss the official conduct of the Executive, so have their Representatives. We have been taught to regard a Representative of the people as a sentinel on the watch-tower of liberty. Is he to be blind though visible danger approaches? Is he to be deaf though sounds of peril fill the air? Is he to be dumb while a thousand duties impel him to raise the cry of alarm? Is he not, rather, to catch the honest whisper which breathes intention or purpose of encroachment on the public liberties, and to give his voice breath and utterance at the first appearance of danger? Is not his eye to traverse the whole horizon with the keen and eager vision of an unhooded hawk, detecting, through all disguises, every enemy advancing in any form toward the citadel which he guards.

"Sir, this watchfulness for public liberty, this duty of foreseeing danger and proclaiming it, this promptitude and boldness in resisting attacks on the Constitution from any quarter, this defense of established landmarks, this fearless resistance of whatever would transcend or remove them, all belong to the representative character, are interwoven with its very nature. If deprived of them, an active, intelligent, faithful agent of the people will be converted into an unresisting and passive instrument of power. A representative body which gives up those rights and duties gives itself up. It is a representative body no longer. It has broken the tie between itself and its constituents, and henceforth is fit only to be regarded as an inert, self-sacrificed mass, from which all appropriate principle of vitality has departed forever."

Sir, this is a right which we cannot, dare not surrender, the right of unrestricted, free debate in this Hall of the people's Representatives. And I

say again, the day when that right shall be stricken down in this Hall will be among the saddest days in American history. We intend here, as become men having due regard to the rights of our fellow-members on this floor, on all proper occasions within the rules of the House, to discuss all questions that may pertain to the interests of the people. What, sir, is left to a free people when they do not enjoy the right of free speech and the right of being heard in the halls of legislation through their Representatives? Strike down that great right, and you have no other left worth battling for in a free country. On this subject I cannot read anything so appropriate, eloquent, and forcible as that splendid declaration made by Daniel Webster in reference to the right of free speech. He says:

"It is the ancient and undoubted prerogative of this people to canvass public measures and the merits of public men. It is a 'home-bred right,' a fireside privilege. It hath ever been enjoyed in every house, cottage, and cabin in the nation. It is not to be drawn in controversy. It is as undoubted as breathing the air or walking on the earth. Belonging to private life as a right, it belongs to public life as a duty, and it is the last duty which those whose representative I am shall find me to abandon. Aiming at all times to be courteous and temperate in its use, EXCEPT WHEN THE RIGHT ITSELF IS QUESTIONED, I shall place myself on the extreme boundary of my right and bid defiance to any arm that would move me from my ground.

"This high constitutional privilege I shall defend and exercise within this House and in all places; in time of peace and at all times. Living I shall assert it; and should I leave no other inheritance to my children, by the blessing of God I will leave them the inheritance of free principles and the example of a manly, independent, and constitutional defence of them."

I desire here to say that I most fully adopt these noble sentiments of the great defender of the Constitution. The maintenance of this great right of free speech is the last duty which those whose Representative I am shall find me to abandon. I honor that brave old defender of the Constitution because he uttered that language, which was the language of a free, untrammelled spirit in the discharge of a high duty.

I will detain this House no longer. I have trespassed already too long on its patience. Sir, in defense of the right of my colleague to freely debate and discuss all public questions without expulsion or censure, I hold up before him and against this resolution of expulsion, the sentiments so eloquently expressed by the great Webster and the principles of the Constitution of my country. If through these he shall be pierced and fall, he will be but a common victim in this House, where the rights of the people shall have been stricken down.

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